

REMARKS

Claims 1-4, 6-8, 10, 11, 14, 15, 17-19, and 21-26 are pending in the application before entry of this amendment. Claims 7, 11, 19, and 21-23 have been withdrawn from consideration due to a restriction requirement. By way of this amendment, claims 14, 17-19, 21, 22, 23, and 25 have been amended, and claims 10 and 15 have been canceled.

Rejection under 35 USC 112, second paragraph

Claims 14 and 15 are rejected under 35 USC 112, second paragraph because the claims are substantial duplicates. The 35 USC 112, second paragraph rejection has been overcome by cancellation of claim 15.

Other amendments

Claim 10 has been canceled, and claims 14, 17-19, 21, 22, and 23 have been amended to depend from claim 11 rather than now canceled claim 10. Claim 11 has been amended to recite areas of treatment. Specifically, claim 11 recites the method of treatment of pain, fever, and of inflammation. Support for the amendment is provided on page 13, line 33 of the originally-filed specification.

Claims 25 has been amended to more particular recite the claimed method of treatment and to conform with the amendments made to claim 11 (above).

Remaining Rejections / Rejoinder

The only remaining claim objections are based on claims directed to non-elected subject matter and to claims depending on those claims directed to non-elected subject matter. The restricted subject matter stems from a restriction requirement of October 24, 2006.

Having addressed all pending rejections, Applicants respectfully request that the restricted subject matter be rejoined at this time. Specifically, Applicants request that the process of making and process of using claims be rejoined according to 37 CFR 1.141 (as described in MPEP 806.05(i)). Applicants submit

that the recited products, process, and method of treatment provide a single general inventive concept under 37 CFR 1.475(b)(3).

Applicants also request that the non-elected Markush-type species be rejoined as directed in MPEP 803.02. Applicants submit that the compound defined by the scaffold (I), together with the substituents of the Markush groups, exhibits at least one common utility, i.e. treatment of inflammatory disorders, and that the common structure of the compound is essential to that utility.

Conclusion

Applicants submit that all pending rejections have been addressed and overcome. Applicants respectfully submit that the claims are in condition for further examination with regard to the non-elected subject matter, and such action is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge any fees or credit any overpayment, particularly including any fees required under 37 CFR Sect 1.16 or 1.17, and any necessary extension of time fees, to deposit Account No. 07-1392.

Applicants respectfully submit that the instant application is in condition for allowance, which action is respectfully requested. The Examiner is invited to contact the undersigned at (919) 483-8160, to discuss this case, if desired.

Respectfully submitted,



J. Scott Young
Attorney for Applicants
Reg. No. 45,582

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GlaxoSmithKline Inc.
Five Moore Drive, PO Box 13398
Research Triangle Park, NC 27709
(919) 483-8160
fax: (919) 483-7988
Scott.S.Young@GSK.com